

## Don't Just Pay Lip Service to the Act of Volunteering, Make a Commitment to a Noble Cause: ProBAR

**W**HEN AILA president Paul Zulkie first asked me to serve on AILA's Pro Bono Committee, I was honored. When he asked me to write an article for *Immigration Law Today* (*ILT*) about ProBAR, the Pro Bono Asylum Representation Project in South Texas, I was thrilled. After volunteering there for two consecutive years, ProBAR has become near and dear to my heart. Because of its special relationship with AILA, it is also the perfect topic for the first in a series of pro bono-related articles—spearheaded by the Pro Bono Committee—that will run in *ILT*.

ProBAR, a joint project of AILA, the ABA, and the State Bar of Texas, has just celebrated its 15th anniversary. Many of you may have read immediate-past president Palma Yanni's final editorial article in the May/June 2004 issue of *ILT* describing our February 2004 border tour. Palma, Paul, and I accompanied then-ABA president-elect Robert Grey, Jr., and other ABA and Texas bar leaders on a tour of the border area. We went on a ride-along with the U.S. Border Patrol, visited Inspections on the International Bridge, toured two children's detention centers (although we were reminded to call them "schools"), and the Port Isabel Service Processing Center for adults. Our final stop, and the one ray of hope among all we saw, was ProBAR.

ProBAR is a tiny nonprofit, located on the second floor of a frame house on the outskirts of Harlingen, Texas. Its employees work in cramped quarters with very few resources, but they have big hearts, unflagging dedication, and represent the best hope of avoiding deportation for the thousands of detainees—including adults and children, arriving aliens, and long-term legal permanent residents (LPRs) whose cases are heard in Harlingen each year.

For those of you who attended the AILA Annual Conference this year in Philadelphia, you may remember Paul Zulkie's opening address, or maybe you read his first editorial in *ILT*'s July/August 2004 issue. If so, you know that Paul has chosen to fo-

cus much of his energy as our president on exploring new ways to promote volunteer service to ProBAR and organizations like it. Paul acknowledged that before our tour, he had never seen the inside of a detention center. After the trip, he committed to go

beyond the business immigration issues he knows so well and devote increased attention to border issues and the need for more pro bono representation there.

I am hoping to encourage you and your firms to do more than pay lip service to Paul's stated goal. By describing my firm's actual experience with sending volunteers to ProBAR, and answering the real world questions any prospective volunteer might have, I want to remove the oft-repeated obstacles to spending a week or two on the border—away from your daily practice.



**A ProBAR client (left) from Mexico was granted cancellation of removal on the basis of the extreme hardship that her five U.S. citizen children would suffer if she were deported. One of the children has particular medical needs.**

To see the difference you can make in someone else's life is truly humbling. This was by far the highlight of our summer experience, and one that will not soon be forgotten.—*Kimberly Khomani*

### Who should go?

The law firm of Fried Frank Harris Shriver & Jacobson LLP in Washington, D.C., has chosen to send summer associates. We like this model because summer associates can easily be away from the office without affecting staffing on ongoing matters, the project offers a unique opportunity from a recruiting perspective, and it gives the firm a good look at the students' performance in an intense, litigation-oriented setting. In 2003, we invited two summer associates from our New York office and two from the office in Washington, D.C. Because most ProBAR clients speak Spanish, we gave priority to associates with some Spanish ability. This year, we included a fifth summer associate with French skills to represent an asylum seeker from the Ivory Coast.

Although ProBAR provides supervision for its volunteers, Fried Frank elected to send experienced attorneys to provide direct supervision and feedback for evaluation purposes. Our summer associates went for a two-week block of time in July, and I split the supervision of those associates with another senior attorney from our New York office, so neither of us was away from the office for more than a week.

But don't get me wrong. This is *not* exclusively a large firm opportunity. Volunteers are welcome as singles or in groups. They can come with any level of experience. They can be law students, professors, solo practitioners, law firm associates, even partners. ProBAR director Meredith Linsky does an excellent job of screening cases and matching them to the interests and experience levels of the volunteers. Law students and new admittees will receive a high level of supervision during case preparation, and they will be accompanied to court for their hearings.



Jason Enzler (left) and Kimberly Khomani (right) are two Fried Frank summer associates pictured with a client from the Ivory Coast who was granted asylum.

More experienced attorneys will get any necessary mentoring but will have a high degree of independence when appropriate.

I would highly recommend ProBAR as an intensive litigation training program for any lawyer needing to get "on-their-feet" courtroom experience in a nonthreatening setting. The judges in Harlingen are very supportive of ProBAR and welcome its pro bono volunteers. After a few weeks at ProBAR, you could return to your home city with several master calendar and individual hearings under your belt, ready to appear in your local court with no fear of embarrassment! I guarantee that even the most experienced immigration lawyers would return to their day-to-day practices from a stint at ProBAR refreshed and energized, with a great sense of having made a difference in the lives of a few very vulnerable individuals.

### Who does ProBAR's clientele consist of?

Most ProBAR clients come in contact with the U.S. Border Patrol after attempting to enter the United States from Mexico. Most are Latin Americans, but many have made their way to Mexico from other parts of

the world before attempting to come to the United States. Many are unaccompanied minors, and an increasing number of those are girls. Although most of the minors are ages 14–17, many are much younger. Some are under age 10. Most of these clients will be placed in expedited removal and are often seeking asylum or related relief. The other major category of ProBAR clients are long-term undocumented residents or LPRs with minor criminal convictions. Those clients typically seek cancellation of removal or §212(c) relief. Some are eligible for adjustment of status. And, on occasion, termination of removal proceedings is possible.

### What would volunteers do?

Once volunteers make a commitment to come to Harlingen, ProBAR staff will work with the judges to schedule merits hearings in appropriate cases during their stay. Preliminary research sometimes can be done before coming to Texas. Volunteers usually will handle a case from beginning to end during their stay, including preparing applications for relief, along with accompanying declarations and supporting documentation; writing a brief where needed, and preparing the client and any other witnesses to testify. The actual hearings usually occur toward the end of the volunteers' stay and can include presentation of opening and closing statements, direct testimony of the respondent and any other witnesses, as well as defense of the government's cross-examination. Any downtime can be used to help with master calendars, intake interviews at the detention centers, or systemic issues such as videoconferencing for merits hearings or the expanded use of stipulated removal orders without hearings. →

### What kinds of cases do volunteers get?

Here are some examples. In 2003, we won asylum for a Honduran man who had been threatened and pursued after organizing his ethnic community in resisting the government's attempts to seize their valuable coastal fishing areas for resort development. We also won cancellation of removal for a long-time LPR from Mexico who was in proceedings because a small amount of marijuana was found inside the wheel well of a car he was driving. Amazingly, this client was charged with removability as a trafficker even though he was never charged criminally for this incident.

In 2004, we handled three cases: We won asylum for a man from the Ivory Coast who fled the country after his brother and parents had become the victims of politically motivated killings; we also obtained non-LPR cancellation for an undocumented Mexican woman who had been in the United States for 10 years and had five U.S. citizen children. This client's spouse was serving a 20-year sentence for abusing her oldest daughter, leaving her with no financial support or source of care for the children if she were deported. We demonstrated that her U.S. citizen children would suffer extreme hardship, particularly with regard to the loss of health care and educational opportunities, if they were forced to go to Mexico; finally, we represented a 16-year-old Honduran boy who had fled to the United States to escape forced recruitment into a gang. He sought asylum on the basis of his membership in a social group and anti-gang political opinion. As this article goes to press, the decision in the case remains pending.

### Why should people volunteer?

Your participation as a ProBAR volunteer would benefit your firm, other individual volunteers, and the clients you would represent. The participating firm gets a concentrated training experience for its lawyers, a boost in morale, and a decided recruitment advantage. (One of our 2003 participants, Chuck Dender, said he decided during his time at ProBAR to accept Fried Frank's offer of employment and not apply to any other firms.) Volunteers

get to use their language skills, gain direct client contact, interact with opposing counsel, and get valuable court experience along with the satisfaction of having provided critical representation to a client in need.

If you come to ProBAR, you will not need an ethics course to remind you of the importance of pro bono service. There is nothing like working with clients inside a detention center and hearing about their individual circumstances to motivate a lawyer to do his or her absolute best work. This year, summer associate Kimberly Khomani said it best: "To see the difference you can make in someone else's life is truly humbling. This was by far the highlight of our summer experience, and one that will not soon be forgotten."

### How long do volunteers stay?

We have enjoyed a wonderful learning experience in just a two-week period, but ProBAR accepts volunteers for as little as one week. Longer stays are always encouraged!!

### How do the volunteers live?

There are not a lot of lodging options in Harlingen, unfortunately. There are several chain motels, but we have found the Courtyard by Marriott to be the best-equipped for an extended stay. It has wireless Internet, reasonable business services, and an on-site laundry. We were pleasantly surprised to find that our cell phones and Blackberries worked this year!! There is a shuttle available from the airport to the Marriott. However, a rental car is necessary to get back and forth between the hotel, the ProBAR office, and the detention centers. Breakfast is available at the Marriott. Other meals are generally fast-food and chain restaurants, although there are some upscale restaurants nearby on South Padre Island. The good news about all this is that it is much less expensive to stay in Harlingen than in major urban centers. (The ABA even has a small travel stipend available for lawyers who would otherwise not be able to afford the trip.)

### How do volunteers get there?

Harlingen is served by Continental and Southwest Airlines via Houston. Unfortunately, outside of Houston, there are no direct flights to Harlingen.

### How can I volunteer?

If you are ready to volunteer, call ProBAR director Meredith Linsky at (956) 425-9231 or e-mail her at [ProBARTX@worldnet.att.net](mailto:ProBARTX@worldnet.att.net). If you have more questions, please feel free to contact me directly.

I hope you will agree that after volunteering, you and your colleagues will be better lawyers, and better people, for having done so. 

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*Articles in ILT do not necessarily reflect the views of the American Immigration Lawyers Association.*